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In the Supreme Court of the United States

OCTOBER TERM 1972

No. 72-1562

LEON BURAS, JR., ET AL.,
Petitioners,

VERSUS

UNITED STATES OF AMERICA,
CHEVRON OIL COMPANY, ET AL.,
Respondents.

STATEMENT REGARDING AMICUS CURIAE BRIEF OF THE STATE OF LOUISIANA IN SUPPORT OF THE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEAL FOR THE FIFTH CIRCUIT

By the Attorney General of the
State of Louisiana,

WILLIAM J. GUSTE, JR.

In the Supreme Court of the United States

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Deputy Clerk

MOTION OF THE STATE OF LOUISIANA TO FILE ACCOMPANYING BRIEF AS AMICUS CURIAE

The STATE OF LOUISIANA through William J. Guste, Jr., Attorney General of the State, acting pursuant to authority granted in Article VII Sec. 56 of the Constitution of the State of Louisiana, respectfully files the accompanying brief in this case as amicus curiae in support of the Petition for Certiorari filed in this proceeding.

The State of Louisiana has a substantial interest in the proceeding pending before this Honorable Court. Having reviewed the decision of The Fifth Circuit, 458

F.2d 346, the State of Louisiana is compelled to suggest that the Court below has committed grievous error in interpreting the law of the State of Louisiana with respect to the validity of State patents, State administrative practices, the procedural capacity of third parties to attack the validity of patents, and the weight accorded to the provisions of La.R.S. 13:3726.

The State of Louisiana suggests that the decision of the Fifth Circuit, if not reviewed and reversed, will have an inestimable adverse effect upon the certainty of land titles in the State.

The State of Louisiana also has a direct financial interest in the outcome of this litigation. The Buras heirs have judicially recognized the ownership of the State of Louisiana of numerous navigable streams passing through the lands in dispute. Chevron Oil Company disputes state ownership. A decision in favor of the Buras heirs will entitle the State of Louisiana to share on a pro rata basis in the proceeds of an accounting in the proportion equal to the ratio of water bottoms recognized by the Buras heirs as owned by the State of Louisiana to the total acreage in dispute.

The State of Louisiana respectfully presents this brief pursuant to the express authorization contained in Rule 42(4) of the Rules of this Court and earnestly requests consideration of its position in supporting the Petition for Certiorari.

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May it Please the Court:

The petition for Writ of Certiorari to this Honorable Court attaches as Appendix I, Page 111a, the Amicus Brief previously filed by the State of Louisiana in support of the Petition for Rehearing and Rehearing En Banc in the Fifth Circuit Court of Appeal.

With permission of this Honorable Court, the State of Louisiana will not needlessly duplicate its

Amicus Brief in this record, but simply desires to reiterate and urge consideration by your Honors of the assignments of error specified in the Amicus Brief requiring issuance of the writ to the Fifth Circuit Court of Appeal.

Well settled principles of construction of the pertinent public land laws of Louisiana involved in this case are reflected in the opinion and judgment of the United States District Court by a Judge trained and experienced in Louisiana law and practice. That construction was deemed so necessary to the stability of land titles, and particularly ancient titles in Louisiana, that the State of Louisiana filed an Amicus Brief supporting these principles and urging rehearing upon the subsequent and unexpected reversal of the trial court decision by the Fifth Circuit Court of Appeal. Be that as it may, there is such a wide divergence of opinion between the decisions of the two federal courts on what experienced Louisiana lawyers consider to be settled legal principles in Louisiana to suggest that the Fifth Circuit Court of Appeal could and should have at least deferred to the request of the Petitioners to remit the parties to the Supreme Court of Louisiana for determination of the controlling state law questions. Having failed or refused to honor such request, issuance of the Writ of Certiorari by this Honorable Court is necessary to avert needless and inequitable threats to the stability of Louisiana land titles, particularly, but not limited to, the disruption of the ancient land title of the Petitioners for the Writ of Certiorari.

Issuance of the Writ of Certiorari prayed for by the Petitioners is requested for the reasons stated in the Amicus Brief of the State of Louisiana and hereby readopted.

Respectfully submitted,

/s/ William J. Guste, Jr.
WILLIAM J. GUSTE, JR.,
Attorney General of the
State of Louisiana

July, 1973

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion and accompanying brief has been served by mailing three true copies thereof to the following individuals:

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Baton Rouge, Louisiana, this 10th day of July, 1973.

/s/ William J. Guste, Jr.
William J. Guste, Jr.